

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ADRIAN FATAN,

Plaintiff,

V.

FRED TILLMAN,

Defendant.

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CASE NO. 4:11cv812
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 31, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion for Summary Judgment [Doc. #26] be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendants' Motion for Summary Judgment [Doc. #26] is GRANTED in part and DENIED in part. The court dismisses plaintiff's claims for malicious prosecution as time-barred. The court further dismisses plaintiff's Section 1983 claims against Tillman in his official capacity. Finally, the court dismisses plaintiff's state tort claims for

intentional infliction of emotional distress and false imprisonment against Tillman in his individual capacity. The court denies the motion on all other grounds.

So **ORDERED** and **SIGNED** on February 27, 2013.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark
United States District Judge